

EXHIBIT X

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TUCKER ELLIS & WEST LLP

MEMORANDUM

July 21, 2010

TO: File

FROM: Richard A. Dean

CC: Matt Moriarty
Kristen Mayer


SUBJECT: Digitek®

RE: Meeting with PSC Regarding Settlement Discussions

Today, Matt Moriarty, Kristen Mayer and I met with Fred Thompson, Carl Frankovitch, Megan Johnson and Pete Miller. We met to try to hammer out details of a settlement. Pete was there because he has significant reservations about whether to agree to this settlement and Fred and Matt concluded it was better to have him at the meeting to attempt to get his buy in rather than not there at all.

Fred and Carl still seemed very much committed to the settling the cases but did express concern particularly about being able to get people with trial group cases to buy into this deal. The bottom line was we kept pushing them on the details of the grid they have insisted on. We had prepared a document setting forth factors that would result in additions and deductions from the "value" of a basic case. During the course of the meeting, we pushed them on this and the bottom line was an evolving discussion which led to a concept of assigning points to cases and then having point additions and deductions. The thought being that a given claimant would end up with a certain number of points under this system and one would know how many claimants received awards and for how many points and that point number could be divided into \$10 million and the fund disbursed in that manner. This would not provide for any refund or return of money.

Fred and Carl, in prior discussions, had been amenable to the concept of a refund but Pete was obviously putting pressure on them to make sure they get \$10 million actually paid out.



[REDACTED]

It was agreed the immediate task at hand was to get a “term sheet” together which would be the information on the entry criteria sheet and the basics of the grid, maybe without the points. Fred and Carl would use this “term sheet” to go to the PSC to try to get their buy in. Carl will prepare a draft for our review. Other action items are as follows:

1. They need to consult with an M.D. about their additions and deductions and get back to us on that to confirm.

2. [REDACTED]

3. We need to draft a Master Settlement Agreement and TEW will start work on that.

4. We need a submission or claim form to be drafted but we can wait on this.

5. We need to agree on a panel of experts for the medical panel.

6. We need a general timeline as to when events might transpire, *i.e.*, how long people have to sign on to participate and how long they have to submit complaints.

7. We need to talk about how this may affect certain case management orders and Science Day.

On the Pete Miller front, he said at the beginning of the meeting that he was leaning against participating in the agreement but willing to listen. There are 1,014 filed cases and I think Pete only has about 50 filed cases. There are 1,839 tolled claims and I think Pete has slightly under 400 of those.